

ORIGINAL

LAW OFFICES
LEVENTHAL, SENTER & LERMAN P.L.L.C.
SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENÉE L. ROLAND
ROSS G. GREENBERG
JOHN D. POUTASSE
MATTHEW H. BRENNER*

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

June 13, 1997

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Federal Communications Commission
Office of Secretary

SENIOR COMMUNICATIONS
CONSULTANT
MORTON I. HAMBURG

WRITER'S DIRECT DIAL
202-416-6791

WRITER'S E-MAIL
NROY@LSL-LAW.COM

*ADMITTED CA ONLY

VIA HAND DELIVERY

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

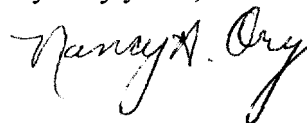
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Davis Television Topeka, LLC, Davis Television Pittsburg, LLC, Davis Television Waterville, LLC, Davis Television Corpus Christi, LLC, Davis Television Fairmont, LLC, Davis Television Duluth, LLC, and Davis Television Wausau, LLC, I am transmitting herewith an original and nine copies of their Petition for Partial Reconsideration of the Commission's Sixth Report and Order, FCC-97-115 (released April 21, 1997) in the above-referenced proceeding.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Nancy A. Ory

Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

To: The Commission

**PETITION FOR PARTIAL RECONSIDERATION OF
THE SIXTH REPORT AND ORDER**

Davis Television Topeka, LLC, Davis Television Pittsburg, LLC, Davis Television Waterville, LLC, Davis Television Corpus Christi, LLC, Davis Television Fairmont, LLC, Davis Television Duluth, LLC, and Davis Television Wausau, LLC ("Davis TV"), by their attorneys, and pursuant to Section 1.429 of the Commission's Rules, hereby seeks partial reconsideration of the Sixth Report and Order, FCC 97-115, released April 21, 1997 ("Sixth R&O") in the above-captioned proceeding.¹

Davis TV supports the ongoing efforts by the Commission to facilitate the transition to digital television ("DTV") broadcasting. The Commission's DTV Allotments/Assignments Table ("DTV Table"), adopted in the Sixth R&O, reaffirms the Commission's objective of providing full replication of existing NTSC service areas, and Davis TV applauds the Commission's commitment to these principles. Although Davis TV supports

¹ Federal Register publication of the Sixth R&O occurred on May 14, 1997. This petition is therefore timely filed under Section 1.4(b) (1) of the Rules.

the Commission's general allotment and assignment scheme, Davis TV respectfully requests that the Commission reconsider its adopted policy towards new full power station construction permit applications in order to insure a consistent and equitable transition to the digital broadcasting era.

In the Sixth Further Notice of Proposed Rulemaking, 11 FCC Rcd 10968 (released August 14, 1996) ("Sixth FNPRM"), the Commission announced its general intention to cease to accept applications for new NTSC stations, but made clear that it would process applications for new NTSC stations that were on file prior to 30 days after the publication of the Sixth FNPRM in the Federal Register, a deadline which turned out to be September 20, 1996. In the Sixth R&O (at ¶ 112), the Commission states that it will maintain and protect vacant NTSC allotments that are the subject of pending applications or rulemakings, while avoiding the creation of new DTV allotments that would conflict with such proposed new NTSC stations. The Commission makes no mention, however, of the accommodation of new NTSC construction permittees in the DTV world. At present, an NTSC permittee whose application for construction permit for a NTSC facility was on file by September 20, 1996 has no assurance that it will eventually receive a DTV allotment. However, substantial public policy considerations demand that such new permittees should not be forced to order equipment and construct facilities with no certainty as to the long-term viability of their new stations in the DTV world.

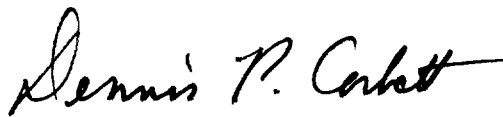
In order to avoid sentencing new NTSC permittees to forced obsolescence, the Commission should make clear that the digital conversion rights of new NTSC permittees are of the highest priority and that the Commission will be flexible and adaptive with individual permittees, thereby allowing them to construct their new stations with the knowledge that a DTV

allotment will be available in the future. Although Davis TV recognizes the difficulty the Commission faces in making a DTV allotment today on the basis of pending NTSC applications (e.g., competing applications propose varied technical specifications, the DTV construction deadlines established for existing broadcasters make no sense for applicants who do not yet know when they might hold a permit), the Commission should make clear now that new NTSC permittees will participate in the transition to DTV. Davis TV suggests that it may make sense for new NTSC permittees who receive their permits early enough in the DTV transition process to be assigned a DTV channel and permitted to participate in the DTV transition process. It may also be advisable to allow new NTSC permittees who receive their permits later in the DTV transition process to build a DTV facility rather than construct an obsolete NTSC facility. The governing principle should be flexibility, with the overall goal being the protection of new NTSC permittees' right to convert to DTV under reasonable circumstances.

For the reasons set forth above, Davis TV respectfully requests partial reconsideration of the Sixth R&O.

Respectfully submitted,

DAVIS TELEVISION TOPEKA, LLC
DAVIS TELEVISION PITTSBURG, LLC
DAVIS TELEVISION WATERVILLE, LLC
DAVIS TELEVISION CORPUS CHRISTI, LLC
DAVIS TELEVISION FAIRMONT, LLC
DAVIS TELEVISION DULUTH, LLC
DAVIS TELEVISION WAUSAU, LLC

By: 
Dennis P. Corbett
Nancy A. Ory

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006-1809
(202) 429-8970

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Their Attorneys